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W.P.(MD)NO.15345 OF 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15345 of 2014

D.Muthuraman

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The District Officer,
Backward Class and Minority Welfare Office,
District Collector's Office,
Dindigul.

3. The Special Tahsildar,
Adi Dravidar Welfare,
Nilakottai,
Dindigul District.

4. A.Rajkumar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 09.09.2014 and issue suitable directions to the third respondent to implement the order of the second respondent.

For Petitioner : Mr.C.Mahadevan

For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

For R-4 : No appearance.

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ORDER

Heard the learned counsel on either side.

2. The petition-mentioned land was acquired way back in the year 1984. A larger extent was acquired way back in the year 1984. The acquired lands were plotted out as plot Nos.40, 41, 42, and 45 were allotted in favour of Kaliammal, Alagammal, Lakshmi and Palaniappan in the year 2002. In the year 2013, Rajkumar, the fourth respondent herein purchased four plots vide separate sale deeds. The petitioner herein who is a practising lawyer lodged a complaint before the second respondent that in breach of the terms and conditions, the assigned lands had been alienated. Acting on the said complaint, the second respondent issued the proceedings dated 19.06.2014 cancelling the assignments and directing their resumption. The grievance of the petitioner is that even though the assignments had been cancelled, the lands had not been resumed. The petitioner gave a representation in this regard. Since it was not acted upon, the present writ petition came to be filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to grant relief as prayed for.

4. The third respondent had filed counter affidavit and the learned Additional Government Pleader took me through its contents.

5. The learned counsel appearing for the fourth respondent submitted that even though the assignments had been made in favour of his four vendors had been cancelled, subsequently, his possession and enjoyment had been protected by issuance of four free house side pattas in favour of his family members (wife, two sisters-in-law and mother) and that is why, the fourth respondent did not challenge the impugned order dated 19.06.2014.

6. Unfortunately for the fourth respondent, I had set aside the assignment of free house site pattas in favour of the



fourth respondent's wife and other members of the family vide order dated 31.08.2023 in W.P.(MD)No.218 of 2017. The petitioner wants enforcement of the order dated 19.06.2014 cancelling the assignments. The fourth respondent had been remained complacent on account of the subsequent order passed by the third respondent. Now the subsequent order of the third respondent had been cancelled, in all fairness, the fourth respondent should be given liberty to challenge the cancellation order dated 19.06.2014.

7. Liberty is granted to the fourth respondent to question the order dated 19.06.2014 passed by the second respondent. The fourth respondent is given breathing time of four months from today to do so. It is open to the fourth respondent either to file a writ petition or to file departmental appeal. In such proceedings, the writ petitioner shall be made as one of the respondents. The fourth respondent states that he would not press for free house site patta, but he is willing to purchase the same on payment on fair value. It is open to the fourth respondent to submit such representation before the Government. It is for the fourth respondent to obtain



appropriate order in his favour. If within four months, the fourth respondent is unable to obtain appropriate order in his favour, the petition-mentioned lands shall be resumed by the Government. This writ petition stands disposed of accordingly. No costs.

31.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To:

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Officer,
Backward Class and Minority Welfare Office,
District Collector's Office,
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3. The Special Tahsildar,
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G.R.SWAMINATHAN,J.

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